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ABSTRACT

The Unites States Constitution and the Bill of Rights set forth the basic principles of the U.S. democratic constitutional order. It is from these documents that the fundamental political concepts of the United States are derived. The program presented here was developed for junior high school students and is intended to combat the apathy toward law and government often attributed to youth and to generate their support for democratic values. It consists of 15 interactive lessons on the Constitution, designed to fit into the existing curriculum. The activities were devised as exemplary lessons to infuse the study of law and citizenship education into U.S. history and government and make students see the Constitution as a living document. The lessons are intended for use with a resource person from the community to provide realism and positive role models. Each lesson includes specific suggestions for the type of resource person and the activities in which they can participate. The material encourages inquiry and critical thinking. (JB)

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We The People

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WE THE PEOPLE

Introduction

The United States Constitution and the Bill of Rights set forth the basic principles of our democratic constitutional order. It is from these documents that our fundamental political concepts are derived. It is the challenge of social studies educators to help make these concepts live for students.

While junior high school students are expected to learn about United States history and pass a test on the Constitution, materials, strategies and information are not always accessible for teachers desiring to make the Constitution relevant to their students.

In cooperation with the Young Lawyers' Section of the Chicago Bar Association and the Chicago Public Schools, CRF/Chicago has developed a program for junior high school students to combat the apathy towards law and government often attributed to youth and generate their support for democratic values. The program consists of fifteen interactive lessons on the Constitution. Training sessions for teachers and resource persons who will work with the students are recommended before beginning the program.

The lessons in this book are designed to fit into the existing curriculum. The activities were devised as exemplary lessons to infuse the study of law and citizenship education into U.S. history and government and make students see the Constitution as a living document. The lessons selected for this book are intended for use with a resource person to provide realism and positive role models. Each lesson includes specific suggestions for the type of resource person and the activities in which they can participate. This material encourages inquiry and critical thinking, so that teachers can build support for democratic values while at the same time develop skills needed by citizens in our society.

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SUMMARY OF RECENT LAW-RELATED EDUCATION EVALUATION FINDINGS AND THEIR IMPLICATIONS FOR TEACHING

The Office of Juvenile Justice and Delinquency Prevention funded the Center for Action Research and the Social Science Education Consortium (both in Boulder, CO) to evaluate the delinquency prevention impact on youth of three law-related education curriculum projects—the Constitutional Rights Foundation, the Center for Civic Education/Law in a Free Society and the National Institute for Citizen Education in the Law—and two support projects—the American Bar Association Youth Education for Citizenship Committee and Phi Alpha Delta. The results indicated that, when properly taught, LRE can help reduce delinquent behavior.

The evaluation team identified six features of effective programs. The greater the presence of these features in implementing classrooms, the more likely LRE is to have a positive effect in preventing delinquency. Of course, delinquency prevention is not the sole aim of LRE. These same features probably characterize high quality LRE when measured in other terms.

LRE provides young people with knowledge, skills and attitudes necessary for informed, responsible participation in society. It increases students' knowledge of the justice system, government and the rights and responsibilities of being a citizen in a constitutional democracy. There is also evidence that LRE contributes to the development of skills and interest in civic participation, decision making and critical thinking. The variety of interactive methods of instruction involves students positively in the learning process; thus, LRE teachers tend to report that students seem to value the classes as relevant, useful and interesting, offering students who had difficulties mastering the subject matter of other courses the opportunity to participate successfully. Finally, properly implemented LRE will introduce law-related facts and concepts which are also integral to education in the social studies in elementary and secondary schools. Assisting students to a more successful adult life through knowledge gain, development of citizenship competencies and participation skills and improvement in attitudes toward the legal system are also developed by the following six features:

I. ADEQUATE PREPARATION AND USE OF OUTSIDE RESOURCE PERSONS

Findings from the 1982–83 school year indicate that appropriate use of visitors was more strongly associated with reductions in delinquency than was any other classroom practice. Adult role models can model behaviors and attitudes sought to be developed in students, create non-threatening adult associations and develop positive student attitudes toward the law. However, since most visitors are not trained teachers, great care must be taken to ensure that they have optimal impact. The evaluators specifically recommend that:

(a) Topics covered by outside resource persons should be relevant to the rest of the course and fit sequentially with material presented.

(b) The principal mode of visitors' in-class activities should be interaction with the students.

(c) Visitors should present a balanced picture of the part of the system they know best, neither claiming infallibility nor unduly emphasizing "horror stories."

(d) Visitors should receive advance preparation not only in fitting their content into the course as a whole, but in effective interactive teaching strategies—specifically, in techniques for reaching the whole class, not just a handful of particularly receptive students.

(e) In advance of a visit by an outside resource person, students should receive preparation to maximize their thoughtful participation when the visitor is present (e.g., having each student come in with a question for possible use on the day of the visit).

II. USE OF TEACHING STRATEGIES THAT FOSTER TRUE INTERACTION AND JOINT WORK AMONG STUDENTS

The variety of available LRE teaching methods holds promise for enveloping a wider audience of student learners. Care must be taken, however, to lay a proper substantive foundation before engaging students in the activities. A class characterized by activities strung together without suitable groundwork may please students but is not likely to result in gains in knowledge, improvement in thinking or analytical skills, or positive shifts in beliefs or behaviors.

In general, teachers should seek to develop an appropriate mix of cooperative (small group), independent and competitive learning opportunities. (See Small Group Work for guidelines.)

An ideal opportunity for fostering student interaction occurs when a controversial issue arises in class. Not surprisingly, such issues are common in LRE classes. However, the evaluators have found that many teachers tend to avoid engaging students in controversial issues. They avoid controversy by "providing the answer" or increasing the level of abstraction of the issue until it is no longer controversial. Effective citizenship programs must focus directly on responsible ways to deal with controversy. (See Suggestions for Handling Controversy for guidelines.)

Finally, student participation will be maximized when teachers provide equal "wait time" when questioning various levels of students. The tendency is to provide greater wait time when questioning a stronger student (because the teacher expects an answer) and less when questioning a weaker student (which leaves the impression that the teacher does not really expect an answer).

III. JUDICIOUS SELECTION AND PRESENTATION OF ILLUSTRATIVE CASE MATERIALS

In the selection and presentation of case materials, instructors should avoid presenting the system as either infallible or nightmarish. Failure to select material based on balance may result in an overly negative view of the system, which can increase student cynicism and reduce respect for the law. When an honest, objective view is deemed negative, teachers should include specific instruction on remedies available to citizens to improve the legal system.

This issue of balance often arises in connection with a visit from a resource person. Some resource people not thoroughly briefed on this issue can, at times, defensively claim perfection for their part of the legal system; others spend entire class periods telling horror stories. Balance is the key.

IV. PROVISION OF SUFFICIENT QUANTITY AND QUALITY OF INSTRUCTION

With respect to quantity, the evaluators suggest that a weekly or bi-weekly lesson from LRE materials may increase knowledge minimally but is unlikely to have much impact beyond that. They recommend a full semester of instruction or careful integration of LRE's substance and methods into a year-long course.

In terms of quality, the evaluators have focused on (a) checking for practice and understanding; (b) stating objectives and establishing a mental set; and (c) providing adequate depth and density of coverage.

V. AVAILABILITY AND USE BY TEACHERS OF PROFESSIONAL PEER SUPPORT AND STAFF DEVELOPMENT

Teachers called upon to be innovative in the midst of others pursuing a more conventional course are likely to require uncommon levels of support from their peers. This support can be developed by providing training to teams of teachers from the same building, by arranging for classroom visits from a supportive district social studies supervisor or other curriculum administrator, or by scheduling on-going follow-up sessions with state or local LRE project staff.

When more than one teacher in the same building is trained, opportunities arise for joint lesson planning, cooperative use of visits from resource persons, trips away from school, classroom observation and provision for feedback. A team may also be more likely than a single teacher to generate support for LRE from other teachers and administrators. In addition, the team gives the program more stability; the departure of one teacher via transfer or retirement does not leave a school without a trained LRE instructor.

District-wide seminars and social functions for all LRE teachers and resource persons can provide necessary peer support, reduce feeling of isolation and strengthen teachers' commitments to LRE's innovative methods and substance.

VI. ACTIVE INVOLVEMENT OF BUILDING ADMINISTRATORS

Effective LRE classes were located in schools where building administrators assisted in providing classroom resources, facilitated field trips and the use of outside resource persons, and dealt with concerns voiced by other teachers or by members of the community.

Administrators can also be helpful in reducing the gap that can exist between school governance policies and ideas of justice and constitutional due process taught in LRE classes. Finally, informed, supportive administrators will not use LRE classes as "dumping grounds" for troublesome students. However, to satisfy this recommendation, administrators must become aware of LRE's theory and practice. This can be achieved by having administrators attend LRE conferences or in-service workshops, visit LRE teachers or project staff, or read LRE's descriptive materials.

Although we will probably never be able to successfully boil down education to an exact formula, we have some notion of what works and what doesn't. These recommendations are a challenge to reassess and, when necessary, refine our practices.

Adapted from an unpublished summary written by Lee Arbetman, 1984.

CHART ON LESSONS

Key: large group = a teacher or resource person-led discussion.

small group = groups of 3-5 students completing a specific task.

role-play = students "acting out" a specific part.

Title	Content	Method	Resource Person
Class Poll on Constitutional Rights	Bill of Rights	individual survey/ large group	attorney, judge
A Visitor From Outer Space	Bill of Rights	small group	attorney, judge
No Vehicles in the Park:Interpreting the Law and extension	lawmaking and interest groups/ lawmaking	small group/ role-play	attorney, legislator, lobbyist
Mindwalk Through the School Day	regulations and power of the local, state and federal governments	large group	attorney, local legislator
Bill of Rights Cases	Bill of Rights	large group	attorney judge
Handgun Control	Second Amendment and lawmaking	small and large groups	attorney. police, member of partisan group such as NRA
The Death Penalty: Eighth Amendment	Eighth Amendment	human graph, individual survey, class debate	attorney, judge

Title	Content	Method	Resource Person
Just the Facts: Judicial Branch and the Law	Federal Judiciary	pairs and large group	attorney, judge
Should Juveniles Be Transferred?	Juvenile law	small or large group	attorney, juvenile court personnel
Human Book on Civil Law	civil law	small group	attorney, consumer advocate
Call the Police	police procedure 1st, 4th, Juvenile Law	role play, small group	attorney, police
Small Claims Court	court procedure understanding the adversary system	small group	attorney, judge
Gifts vs. Justice	criteria for prosecution	small group	attorney or judge
Making the Grade: What Makes a Good President?	leadership roles	writing project	a person in a leadership role

TEACHER'S CHECKLIST FOR A CLASSROOM VISIT

This checklist of suggested procedures will help ensure a successful classroom visit by a resource person. The key to a good visit is to share information and ideas with your guest **in advance** and to plan ahead for whatever special materials and equipment will be needed. This checklist can also be modified to fit the needs of a field trip.

A. Briefing the resource person

1. Characteristics of the class or group (age, grade level, class size, socioeconomic background, legal and political sophistication)
2. Context of presentation (topics currently and previously studied, how this presentation fits in, goals and objectives of presentation)
3. Physical arrangements and special considerations (amount of time available, size and setup of room, availability of special equipment, presence in the group of students with physical or other impairments)
4. Possible instructional strategies to use with the selected lesson(s): lecture, discussion, panel discussion, debate, role play, mock trial, case study, etc.)

B. Arranging for materials and equipment

1. Print materials (titles and quantities needed, arrangements for duplication if required)
2. Non-print materials (slides or filmstrips that might need to be ordered or reserved, AV equipment, flip charts with newsprint pads, marking pens, etc.)

C. 1. Readings and handouts for reading and discussion before the visit.
2. Questions that need to be prepared in advance by students or teacher.
3. Procedures for special activities (role-play, mock trial) that require advance explanation or discussion.

D. 1. Consultation with resource person about follow-up extension of activities, debriefing techniques or evaluation procedures.

Adapted with permission from "Involvement: A Practical Handbook for Teachers" (Carroll County Public Schools and Maryland Bar Association, 1976).

GUIDELINES FOR OUTSIDE RESOURCE PERSONS

A. Tips for working with students

1. The first five minutes of the presentation may make or break the success of your visit. Ideally, the first information presented should be in a dynamic and interesting manner. This does not mean oversimplify, rather, speak in layperson's terms and use understandable examples.
2. Remember that your audience will be greatly concerned with information that touches their lives. They will respond better to material that is somehow relevant to their or their families' lives.
3. Be relaxed, friendly and respectful of the students—they will be impressed that a person they perceive as having outside importance treats them as people with valuable opinions.
4. Encourage student participation. Avoid lecturing whenever possible.
5. Include personal reflections and experiences. Examples of information which they will be interested in: What inspired you to become a lawyer, police officer, etc.? What is the procedure to get to your position (e.g., law school, police training academy)? What have been your best and worst experiences on the job?
6. Remember that you are not expected to have an answer to every question. Discuss with the teacher beforehand your area of expertise and background experience so the questions that the students develop prior to your visit will be relevant. Lay clear groundwork before you start your presentation—for instance, if you aren't a criminal lawyer, explain that to them and regret that you probably can't answer questions in that area. Stress to them that, because people rely on a lawyer's advice, it is better to defer answering a question than take the chance of giving a wrong answer. Offer to get back to them with an answer if that is possible.
7. You need not present a unbending defense of the system as it exists today. If problems in the legal system come up in discussion, be frank about them and try to suggest possible solutions (for a new generation of well-trained citizens, perhaps).

B. Ways to participate in and out of the classroom

1. Critique a role play simulation dealing with particular aspects of the legal process (i.e., arrests).
2. Help prepare and/or participate in a mock trial.
3. Participate in a Socratic discussion, challenging students to think through all the ramifications of a legal issue.
4. Participate in or moderate a panel discussion or debate.
5. Serve as an on-going resource expert on legal procedures or issues that may arise during class discussions.
6. Prepare yourself with a set lesson in which to lead students.
7. Have a group of students visit your firm or office for a tour. Provide them with examples of what you do and help develop questions they may ask other personnel. Arrange for time at the end of the visit for a debriefing of the day's activities.
8. Invite a small group of students to shadow you through the day.

SUGGESTIONS FOR HANDLING CONTROVERSY (FOR TEACHERS AND RESOURCE PEOPLE)

1. Recognize the legitimacy of controversy: DON'T AVOID IT.

2. Develop specific rules for handling controversy by establishing
   a. rules of evidence
   b. orderly ways of proceeding
   c. means to close a controversial topic
   d. ways of maintaining a cohesive classroom while disagreeing

3. Make the nature of the disagreement clear by
   a. identifying the issue(s)
   b. clarifying areas of agreement and disagreement
   c. naming the assumptions
   d. avoiding easy slogans
   e. being concrete
   f. distinguishing between law and policy concerns

4. Argue ideas, not personalities by
   a. representing the opposite position fairly and accurately
   b. admitting doubts and weaknesses in your position
   c. concentrating on evidence, not speculation
   d. attempting to understand other perspectives

SOME OPINIONS CAN BE BETTER THAN OTHERS WHEN THEY ARE

1. supported by facts
2. logically argued
3. given with clearly defined terms
4. paralleled to similar situations

CLASSROOM STRATEGIES for dealing with controversial issues include debate, mediation, anonymous writing, arguing in favor of the "other" side.

CONTENT FOR EXAMINING CONTROVERSY includes contemporary issues, historical situations, hypothetical or real case studies

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Adapted from materials developed by the National Institute for Citizen Education in the Law and the Center for Action Research, used with permission.

SMALL GROUP WORK

The use of small groups has been the key to success in such diverse fields as athletics and drama because it requires each person to do his or her job **and** help others to improve their own work. The final product, the result of several people's joint "best efforts," is better than what each individual could do alone.

Small group work or team effort in more traditional academic settings have often been criticized because there is a tendency for only one or two members of a group to do the work when it is not carefully structured. When the work is carefully designed, however, case studies, simulations and mock trials all work well because they call for truly cooperative work.

The following are some concrete suggestions for using small groups effectively in LRE:

1. Instructions to the group must be **very clear**. It is unlikely that the group will be able to retain and follow more than one or two instructions at one time.
2. Students should have been **prepared** with the adequate knowledge and skills to do the work (i.e., background readings, class discussion, understanding of roles to play, etc.)
3. Students must be given **enough time** to complete the assigned task. Teachers should think creatively in advance about ways to occupy groups that finish ahead of other groups.
4. The small groups should each contain from **two to five students**, and only two or three when a complicated written product is the intended outcome.
5. Teachers should strike a **balance** between independent and cooperative learning. Small groups should only be used for tasks calling for cooperative work, not independent work.
6. Teachers should make small group work a **habitual** (but not everyday) part of the classroom procedure, not a once a semester activity.
7. Teachers should consider how their **reward and evaluation strategies** affect the use of small groups. They should be able to provide group rewards for group efforts.
8. Teachers should be explicit in dealing with the **management issues** of groups. If someone must report back to the class on the group's work, there should be a process for selecting the reporter at the outset.
9. Teachers (and those in the classrooms around them) should be prepared for the **increased noise level** which occurs during cooperative learning activities.
10. When forming groups, **place students heterogeneously** by skill level, social groupings, etc.

11. Teachers should **circulate, observe and evaluate** what is happening in the groups.

CLASS POLL ON CONSTITUTIONAL RIGHTS

Introduction

Most people in the United States indicate a high level of support for general statements of individual rights, yet when applied to specific and often controversial situations, much of this support diminishes. Why is this? This activity helps students explore this phenomenon by taking part in a class poll on constitutional rights.

Objectives

- To define and understand some of the protections afforded by the Bill of Rights.
- To interpret data related to general and specific rights.
- To explore why there is typically more support for general rights than for the specific applications of those rights.

Materials

Survey on general and specific constitutional rights.

Procedure

1. Hand out the survey. Indicate to the students that this is an examination of their opinions, not a test of knowledge. Have students read each statement and mark "A" next to those statements they agree with and "D" next to the statements they disagree with. They should respond to each item quickly with the first answer that comes to mind. Tell the students to leave their names off of the survey. This enables the class tally to be anonymous.

2. Collect the surveys and hand them back out again, making sure that no one gets his own sheet back. By a show of hands, quickly tally how many people agreed and disagreed with each survey item. Put the results on the board.

3. In either a large or small group discussion, ask the students to categorize and interpret the tally results for some of the statements. (see *Questions for Discussion*, below)

4. Resource person: a lawyer can conduct this exercise with the class and lead the discussion. Students fill out the survey the day before the visit and the tally is written on the board before the lawyer's discussion (suggestion: having them discuss all fourteen is too time-consuming; select three or four pairs for discussion).

TALLY INSTRUCTIONS

The survey is designed so that the odd-numbered statements relate to general rights and the even-numbered statements relate to specific applications of constitutional rights. An "agree" for the odd-numbered statements means the student supports that general constitutional right. An "agree" for an even-numbered statement means the student does not support the specific application of a constitutional right.

For example, a student who agrees with #1 supports free speech, yet if he agrees with #2, then the student does not support that specific application of free speech.

SURVEY STRUCTURE

The following is a list of which topic/amendment is addressed in each of the pairs of survey statements. Please note that the odd-numbered statements are the general rights, while the even-numbered statements are the specific applications.

1 and 2/free speech, First Amendment
3 and 4/punishment, Eighth Amendment
5 and 6/search, Fourth Amendment
7 and 8/press, First Amendment
9 and 10/religion, First Amendment
11 and 12/ due process, Fifth Amendment
13 and 14/confront witnesses, Sixth Amendment

QUESTIONS FOR DISCUSSION

1. What specific freedom is addressed in each question? For example, question #1 on speaking out against the government relates to the First Amendment's protection of free speech.

2. Which of the questions received the most support from the class? Is there a pattern to these questions? For example, is there more support for the general (odd-numbered) statements than for the specific (even-numbered) statements? Ask the students to speculate why there is more support for the general statements, than for the specific applications of constitutional rights.

3. Summarize how the class feels about constitutional rights.

4. What reasons can be used to explain the views of the class on constitutional rights? Several "probe" questions should be used here: Are there any particular problems in the community that are reflected in the students' views? Is there more support for the statements that relate to young people?

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SURVEY

1. People should be able to make speeches against the government.

2. Members of the U.S. Communist Party want "equal time" during a July 4 celebration to make speeches against the United States. It would be right for the government to prevent them from making the speeches.

3. People have the right not to be sentenced to cruel and unusual punishments.

4. A murderer who tortures his victim deserves to be tortured as punishment.

5. The police shouldn't be able to search a person's house whenever they feel like it.

6. Even without a warrant, experienced police officers should be able to search the home of a known drug dealer if they have reason to believe he is selling drugs to young children.

7. A newspaper should be able to print the news even if the government does not like some of the articles.

8. Magazines that print pornographic material should be banned.

9. People should be able to practice any religion they want.

10. In a major war, all eligible people should have to fight for the United States even if their religion forbids killing.

11. The government should have to prove that a person has committed a crime before he is sent to jail.

12. Known troublemakers should be put in jail if the government has a good reason to believe that they will break the law in the future.

13. An individual should be able to ask questions of a person who is providing testimony in court against that individual.

14. To protect the privacy of crime victims, the government should be allowed to submit a written report from the victim, instead of having him have to look at the criminal in court.

A VISITOR FROM OUTER SPACE

Introduction

This introductory or concluding activity requires students to think about the importance of the Bill of Rights by having them select five to surrender to a "visitor from outer space."

Objectives

- To stimulate examination of values about the guarantees of the Bill of Rights.
- To develop understanding of the interrelationships among individual rights.
- To understand the strengths and weaknesses of deciding by consensus vs. majority rule.

Materials

Handout: A Visitor from Outer Space

Procedure

1. Distribute handout. Read through the instructions, divide students into groups of five or six and ask them to make their selections. If necessary, clarify unfamiliar vocabulary words. Try having them agree on the same five, and once they agree, they may combine with another group to try to reach a larger consensus.
2. List the ten rights on the board and poll the class on their ranking of each freedom. Ask students to give the reasoning behind their choices. Pose questions based on student responses.

NOTE: Students may argue that some of the rights imply others to keep them all. The discussion will lead to an interpretation of what each right means today. Will the new rulers have the same interpretation? This is a good opportunity to discuss the flexibility of the Constitution.

3. Resource person: a lawyer should react to the class decisions, express his/her choices or help in interpreting the specific rights.
4. This is a good opportunity to compare how the colonists felt just before the revolutionary war when Great Britain tried to control them after years of "non-interference." Discussion involving when it is important to "fight" for your rights should involve consideration of both the potential costs and benefits.
5. After the students have reported on their choices, ask them to discuss their feelings about the consensus process. What are some reasons for having a structure which requires everyone to agree, not just the "majority" (half plus one).

Adapted from *Responsibilities and Rights in Schools*, 1978, by Donald P. Vetter and Linda Ford of the Carroll County Public Schools, Westminster, Maryland 21157. Reprinted with permission.

A VISITOR FROM OUTER SPACE

It is the year 2000, and you are living a settled, prosperous life. You are quietly watching television with your family when a special news bulletin comes over the TV station. You immediately see that this is not the normal type of news bulletin because there is what looks like a very strange creature on the screen - the only thing which is familiar is that he is speaking in English. He tells you that he and his people have gained control over all of the communication networks in the United States and that everyone had better pay attention to what he has to say. You change the channel and, just as he said, there he is on every station. He begins to speak very loudly, and you gather your family around because you are beginning to worry about what he is going to do. His speech is as follows:

> My name is STHGIR and I am from the planet NOITUTITSNOC in another galaxy where the inhabitants are far superior to the beings on this planet EARTH. Just as we have gained control over the communications of the United States, we have the ability to take complete control over every one of your lives. We do not want a war between our planet and yours, but we do want to control some things so that we can live in peace and harmony with you. We have looked at some of your laws and the way your government operates and have found it to give too much freedom to the individual. Therefore, we are going to conduct a survey to try and arrive at a decision with which both you and we are happy. As I have said, we do not want to take everything away from you - but we can't allow you to continue to live as you have in the past. Therefore, I am giving you a list of ten of the rights which you have according to your Constitution. You are to look over the list and decide which of the ten are more important to you. We will allow you to keep FIVE of the ten rights, the five which get the most votes from all the people of the United States. Choose five rights and be prepared to vote. If the vote is <u>not</u> unanimous (that is, if everyone doesn't agree) you will be given a short time to reach a unanimous decision. If you cannot, you will lose all of these freedoms.

_____ Right of a state militia to bear arms.
_____ Right to freedom of speech.
_____ Right to a lawyer.
_____ Right to protection from cruel and unusual punishment.
_____ Right to freedom of press.
_____ Right to a jury trial.
_____ Right to freedom of religion.
_____ Right to peacefully assemble.
_____ Right to privacy.
_____ Protection from self-incrimination.

NO VEHICLES IN THE PARK: INTERPRETING THE LAW

Introduction

How are laws made? How difficult is it to write a law that everyone understands? How are laws interpreted? This simple activity explores the purpose and intent of law and helps students realize that overly simple laws are difficult to interpret and good laws are difficult to write.

Objectives

- To compare and contrast the "letter of the law" and intent of the law by using critical thinking skills in judging the hypotheticals.
- To become aware of the difficulties in devising clear, fair laws.
- To understand the role of an attorney (to present the best argument for whatever side he/she represents).

Materials

Handout: No Vehicles in the Park

Procedure

1. Distribute the handout to each member of the class. Once students have read the basic law and noted which exceptions they would grant, count them off into small groups of 4-5 students each.

2. Ask each group to discuss their responses and try to reach a consensus. Tell each group that it will be expected to give reasons for each answer. Groups should choose one or more spokespersons.

   The groups will need about 10 to 15 minutes to arrive at decisions for the cases. During this time (once the instructor has quickly checked to make sure that each group is functioning properly), a grid should be drawn on the board. The grid should list the case numbers along one axis and the group numbers along the other.

3. Once groups have arrived at their answers, ask for the responses for each case, group by group, record them in the grid, and ask for the rationale. At this time you may wish to use additional examples, e.g., an electric wheelchair, skateboards, motorbike. By this time students probably have developed a definition of a vehicle. Compare their definition to the dictionary definition.

4. In the debriefing, ask students whether the law can be redrafted to make it a better law. Should laws be written in detail so that people can predict accurately what they mean? Should they be flexible so that they can be adapted to meet changing situations? Can they be both?

   How should "emergency" situations be provided for in the law? Who should determine what constitutes an emergency?

   What is an appropriate penalty for violation of this law? Should that be included in the law? Who should enforce the law? Is there any remedy available to citizens if the enforcers of the law break the law?

   Point out how the decisions of the group reflect reasons based on: (1) the letter of the law; (2) what they thought the intent of the lawmakers actually was; and (3) their own sense of values.

5. Resource person: a lawyer or local legislator/city council member can react to the students' interpretations and help the students develop arguments on both sides of each case.

Please note: An extension activity for "No Vehicles in the Park" follows the student handout.

NO VEHICLES IN THE PARK

The town of Beautifica has established a lovely park in the city. The city council wished to preserve some elements of nature, undisturbed by city noise, traffic, pollution and crowding. It is a place where citizens can go and find grass, trees, flowers, and quiet. In addition, there are playgrounds and picnic areas. At all entrances to the park the following sign has been posted:

"NO VEHICLES IN THE PARK"

The law seems clear but some disputes have arisen over the interpretation of the law. Interpret the law in the following cases, keeping in mind the letter of the law as well as the intent of the law.

1. John Smith lives on one side of the town and works on the other side. He will save ten minutes if he drives through the park.

2. There are many trash barrels in the park so that people may deposit their litter, thereby keeping the park clean. The sanitation department wants to go in to collect the trash.

3. Two police cars are chasing a suspected bank robber. If one cuts through the park, he can get in front of the suspect's car and trap him between the patrol cars.

4. An ambulance has a dying car accident victim in it and is racing to the hospital. The shortest route is through the park.

5. Some of the children who visit the park want to ride their bicycles there.

6. Mrs. Thomas wants to take her baby to the park in his baby buggy.

7. A monument to the town's citizens who died in a war is being constructed. A tank, donated by the government, is to be placed beside the monument.

Adapted from an activity developed by Arlene Gallagher and Leigh Taylor. First published in an article, "Premises for Law," by Arlene Gallagher, in *Social Education* (Vol. 39, No. 3).

EXTENSION ACTIVITY FOR "NO VEHICLES IN THE PARK"

Introduction

After participating in the "No Vehicles in the Park" activity, students often have a greater appreciation of how difficult it is to write good legislation. This extension activity is designed to help students understand that individual needs and attitudes have a tremendous influence on how people view legislation.

Objectives

- To help students understand why people have opposing views on legislation.
- To enable students to discuss reasons why interest groups form.

Materials

3 x 5 role play cards

Procedure

1. After the grid has been completed for "No Vehicles in the Park," distribute one role-play card to each student. Each card describes a person in Beautifica and his/her view on the law.

2. Instruct the students to carefully read their card and give them 5-10 minutes to share the information on the card with as many students in the class as possible in the time allotted. The purpose of this sharing is to enable each student to hear several other points of view on the law. More than one student will have each role, so it is important to instruct students to only listen to a role that is different from their own.

3. In the debriefing, ask the following questions:

   a. Does the law need to be changed? Why/why not?

   b. What are the different views that citizens in Beautifica hold about the law?

   c. How can we explain why so many people seem to have differing points of view about the law?

   d. How can the city council reach a compromise on the new law if so many people disagree?

   e. Were there any people whose positions seemed close to others?

f. How could this help the city council to reach a compromise? A brief discussion about the necessity of coalitions could be useful here.

g. Would it be helpful for some people in Beautifica to get together and present their views to the city council as a group, instead of as individuals? Discuss the "strength in numbers" element of interest group formation.

h. What do you think the city council would do?

4. Resource Person: this lesson provides a good opportunity to invite a local legislator to speak to the class. The legislator could react to the students answers to the debriefing questions, and discuss the impact of interest groups on the legislative process.

ROLES FOR EXTENSION ACTIVITY

Write out each one of these on a 3 x 5 card. Duplicates will be necessary.

1. I am the chief of police. Lately, my job has been more difficult because the town is growing and I don't have enough police to patrol all areas. The park is quiet now. There aren't rowdy parties or other disturbing events. I believe this is because people can't drive in the park and get out of hand. I am in favor of keeping the law the way it is, as long as police cars are able to drive through the park in cases of emergency.

2. I am the fire chief. Several times in the last year my ambulance drivers broke the law to drive through the park on the way to the hospital. I don't want to tell the drivers to break the law, but it is important for them to be able to drive into the park. I think the law should be changed to allow government cars, like ambulances, to drive through the park in an emergency.

3. My name is Michael. My friends and I all got skateboards this past year. The park has some really great hills and is clearly the best place to skateboard in town. I am mad that the police always tell me to leave the park whenever I bring my skateboard. After all, Beautifica is my town too. I think that skateboarding should be allowed in the park.

4. My name is Betty Jackson and I like to jog in the park because it is quiet and safe. Whenever I jog in other parts of the town, rowdy kids on skateboards get in my way. I don't want <u>any</u> vehicles in the park.

5. I am a bird watcher and spend several hours a week looking for rare birds in the park. I love the park because it is quiet. The birds like the park too because they are not scared away by loud noises. I don't want any vehicles in the park because they would scare away the birds.

6. As a new father, I like to take my baby for walks in the buggy in the park. The baby tends to cry for no apparent reason. The fresh air does us both good. Last week, a policewoman told me to keep the buggy out of the park because it is a vehicle. I am furious. Since when is a baby buggy a vehicle? This is the dumbest law I have ever heard of and I want it changed.

7. I am John Smith. I work very hard and am looking for ways to shorten my day. I want to drive through the park so I can get to work faster. I leave for work very early. No one is in the park at that hour anyway. I want the law changed so I can drive through the park. After all, I pay taxes to keep up the park. Why shouldn't I be able to use it too? It's a good way to start the day. Besides I have contributed heavily to several city council members' campaigns.

8. I am the leader of a local bicycle club. My club is always looking for new places to ride that are quiet and pretty. The park has a bike path that was built before the

city council passed the no vehicle law. Now I can't ride my bike in the park because it is a vehicle. I am angry and want the law changed.

9. I am an invalid. The only way I can get around is with my motorized wheelchair. I want to enjoy the park like everyone else.

10. My son was killed in Vietnam driving a tank. Seeing a tank in a park which is supposed to be peaceful makes me sad and angry.

11. I'm proud of this country and believe the only way to keep peace is to have a strong army. I think the park ought to have a large display by the military including an airplane.

12. I'm a hard working, self-employed person. I sell ice cream cones. I need to be able to drive my truck into the middle of the park in order to make money.

13. I represent the garbage collection union. It is outrageous to have to walk into the park to collect the garbage. We are threatening to strike if we cannot drive our trucks into the park to collect the garbage.

14. I've been out of work for months. I have applied to the sanitation department. They will need extra help collecting garbage if the city refuses to allow trucks in the park. I know that would be good for me and a lot of my friends. The jobs would take us off of welfare.

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MINDWALK THROUGH THE SCHOOL DAY

Introduction

There are over 100,000 different governmental units in the United States, yet often students only learn about the federal government. This activity introduces the concept of federalism and asks students to use their daily activities as an avenue toward understanding the powers and roles of different governments.

Objectives

- To show that local, state and federal governments all possess power in the constitutional system.
- To delineate between the constitutional powers of federal and state governments.
- To help students understand that governmental powers overlap.

Materials

None required.

Procedure

1. Ask students to describe all of the activities associated with school that they can think of, including both academic and non-academic pursuits. Make a list on the board of the activities they describe.

2. For each activity, ask the students to describe one "rule" related to that particular activity that must be followed. For example, they must pass a constitution test, they need to have shots, they have to attend school, they must take certain courses, etc.

3. Now ask them to identify who passed the rule and who enforces the rule. The students should be able to identify the different sources and protectors of law. (See "Resource Person" section below.)

4. Ask them to explain why so many different governments would want to make rules on the same topic (i.e., education). Introduce the concept of federalism. Explain that power is divided in the United States between several different types of governments with divisions that are not always crystal clear. Often, they tend to overlap. The "marble cake" analogy often works well to explain this. Federalism creates a "wavy" dividing line between different governments, looking much like the lines of flavoring in a marble cake.

5. Ask the students to cite the advantages of having so many different governments in the United States. Most often, students will mention that one government can often "check" another, preventing an abuse of power and/or individual rights. This provides a good opportunity to discuss why power should be separated, not just within a government (i.e., the executive, legislative and judicial branches) but among different governments.

6. Resource person: the students will need a lot of help with the part of the activity in which they name those who establish and enforce rules. It would be a good activity in which to use a lawyer or local legislator to lead the discussion. The goal is to determine that many rules come from the federal government, but that most of the rules that affect our everyday lives come from the state and various local governments.

   NOTE: This can also serve as a way to classify laws into criminal, civil, juvenile, constitutional.

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BILL OF RIGHTS CASES

Introduction

"No unreasonable search and seizure, free speech, no cruel and unusual punishment." These phrases from the Bill of Rights are often seen by students as just more information to memorize. To truly understand the importance of the protections in the Bill of Rights, students must be asked to apply and discuss the amendments. This activity is designed to help them do just that - apply the amendments to hypothetical situations and discuss their importance.

Objectives

- To examine the rights contained in the Bill of Rights.
- To understand that many of the rights are not absolute.
- To identify which part of a particular amendment is related to each specific situation.

Materials

Handout: Ten Hypothetical Situations

Procedures

1. Either in small groups or individually, have the students read each situation and decide if it contains a violation of a right granted by the Bill of Rights.

2. After they have completed the situations, ask them to discuss which situations contained violations and which situations were properly conducted under the Constitution. A number of questions related to the connection between the amendments could also be posed. Asking students to categorize the amendments by their results is a useful way for them to remember the amendments.

3. Resource Person: An attorney can help discuss the students' answers and the rationale for the protections granted by each amendment. Make sure that students have completed this assignment before the lawyer comes in.

BILL OF RIGHTS HYPOTHETICALS

Read the following hypothetical situations and decide whether each one contains a violation of the Bill of Rights. For each, write the number of the amendment and the appropriate phrases from the amendment that relate to the situation.

1. A 20 year old college student starts his own newspaper which often prints articles making fun of the local mayor. The mayor is angry and gets his aides to take the papers off the stands before they can be distributed.

2. A woman is being tried for murder. The prosecuting attorney forces her to take the stand and testify.

3. A student wears a button to school urging people to vote for a certain candidate for President of the United States. Some other students don't like the candidate and ask the principal to force the student to take off the button. The principal refuses to tell the student to remove the button.

4. A dentist is being sued for $500,000. He wants a jury to hear the case but the judge refuses his request.

5. A young woman is being tried for treason. She is accused of selling plans for building a nuclear warhead to Iran. The judge believes it would be dangerous to let the public hear her ideas. He refuses to allow anyone to view the trial.

6. A group of teenagers gather quietly on a street corner. Neighbors complain and ask the police to arrest them for getting together as a group. The police refuse.

7. A town needs more land to build a new elementary school. A woman's property is needed, but she wants to keep it. The town forces her to sell and gives her twice the property's actual value. She sues to get her land back.

8. The government tries a man for murder and loses the case. A jury says he is innocent. The district attorney who prosecuted the case is mad and promises to keep trying him until they get a jury to convict him. The defendant thinks this is unfair.

9. The Postmaster General of the United States has a cross and a nativity scene installed at all Post Offices throughout the country during Christmas time. Government funds are being used to purchase the cross and nativity scene. The mayor of a predominantly Jewish town demands that the cross and nativity scene be removed from her town.

10. A man living on a quiet residential street erects a giant billboard on his front lawn. The billboard has neon lights advertising a new breakfast cereal that the man invented. The city has a zoning law against this type of sign in a residential neighborhood and demands that it be removed.

Answer Key

1. **IS** a violation of the student's First Amendment rights to free press.

2. **IS** a violation of the woman's Fifth Amendment right protecting her from self-incrimination.

3. **IS NOT** a violation. The principal behaved in a constitutional manner by refusing to violate the student's First Amendment right of free speech (wearing a political button is considered political speech protected by the First Amendment). If the principal believed the button could cause a riot or seriously disrupt the school, the principal could prevent the student from wearing it.

4. **IS** a violation. The Seventh Amendment guarantees the right to a jury trial if requested in civil cases where the value in controversy exceeds $20.00.

5. **IS** a violation. The Sixth Amendment guarantees the right to a public trial.

6. **IS NOT** a violation. The police were upholding the teenagers' First Amendment right to assemble when they refused to arrest the teenagers for standing on the street corner. However, if the group was blocking access to a store or house, police have the right to remove them.

7. **IS NOT** a violation. The Fifth Amendment allows the government to take private property for public use, as long as the owner receives a fair price (called **condemnation** of property).

8. **IS** a violation. The Fifth Amendment prohibits a person from being tried twice for the same crime.

9. **IS** a violation of the First Amendment which forbids the government from establishing a religion.

10. **IS NOT** a violation of the First Amendment. This type of zoning law is constitutional. Local governments have the right to enact reasonable zoning ordinances.

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HANDGUN CONTROL

Introduction

Guns, especially handguns, figure prominently in crime after crime. It has been estimated that about half of all families in the United States possess at least one firearm in the home. The nation's gun supply is rapidly growing larger than that figure. Today, people in the United States own more than 45 million handguns.

Over the last 20 years, national public opinion surveys have indicated that people throughout the nation and from all walks of life are supportive of stricter handgun laws. For example, a 1985 Gallup Poll found that 78% of non-gun owners and 61% of gun owners favor requiring the registration of handguns. However, even though the public favors stricter controls, a majority oppose an outright ban on the sale or possession of handguns.

The Second Amendment states, "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed." Let's consider the interpretation of this statement.

Objectives

- To consider local, state and national lawmaking powers.
- To be aware of the common pro/con arguments regarding gun control.

Materials

3 x 5 cards with "Handgun Control: Pro/Con Arguments"
Discussion Questions for "Handgun Control: Pro/Con Arguments"
Handout: Proposed Handgun Legislation
Checklist

Procedure

Activity 1

1. Cut up and distribute the 16 arguments for and against handgun control to 16 individual students or pairs of students.

2. Students without statements should categorize each statement as for or against gun control as the statements are read aloud by each student.

3. After listening to the 16 arguments, ask students if there are any additional arguments to be made.

4. The teacher may then use the discussion questions in class. Students could debate the issue.

   a. What is the best argument for stronger handgun control laws? What is the best argument against stronger handgun control laws?

   b. Do you think stronger handgun control would be likely to help or hurt victims of handgun crimes? Explain.

   c. How do you feel about a law which would forbid the private ownership of handguns altogether?

   d. Find out from your local police department or public library what state and local gun control laws exist in your area.

   e. Rank in order 1-6 the following strategies to help crime victims. Rank the strategies from most to least desirable according to your point of view. Compare your ranking with those prepared by your classmates.

      - more handgun controls
      - more victim compensation
      - stiffer prison terms
      - more use of the death penalty
      - stronger police departments
      - better enforcement of fraud laws

Activity 2

1. Have the students read the proposed handgun legislation and applied the checklist?

2. Ask "Would [they] vote for these bills if [they] were legislators?"

3. A legislator or lobbyist could be asked to discuss recent legislation or concentrate on the proposed bills presented. A lawyer could be asked to comment on presenting the best arguments for/against handgun legislation. A lawyer would also be particularly useful to lead the discussion on pro/con arguments and perhaps discuss local cases or crimes involving handguns or handgun control laws. Another resource person could be from a partisan gun activist group.

HANDGUN CONTROL: CON ARGUMENTS

Those opposed to stronger handgun control laws say...

1. People in the United States have a legal right to own handguns under the Second Amendment to the Bill of Rights.

2. People have owned handguns throughout United States' history. New handgun controls would destroy this time-honored tradition.

3. Stronger gun control laws will make it more difficult for citizens to protect themselves and their families. Crime is a threat to everyone and the police are not always around when a criminal appears.

4. There is no evidence which proves that existing gun control laws have reduced crime and violence. New York City has the strongest handgun control law in the nation, yet crime and violence are more serious there than in many other cities without strong gun laws.

5. Longer prison terms and the death penalty should be imposed more frequently on criminals who use handguns. This will reduce crime more effectively than additional gun control regulations. "Guns do not kill, people do."

6. Additional gun control laws will be difficult to enforce. Criminals will still be able to obtain handguns illegally.

7. Even if gun control laws do reduce the use of handguns, criminals will simply shift to other weapons.

8. Twenty thousand federal, state and local gun control laws already exist. Additional laws will place too much of a burden on sportsmen and other law-abiding citizens.

HANDGUN CONTROL: PRO ARGUMENTS

Those in favor of stronger handgun control laws say...

1. The U.S. Supreme Court has ruled several times that the Second Amendment guarantees a state the right to maintain a militia, not private citizens the right to own guns.

2. People may have been forced to own handguns for self-protection when much of the country was unpopulated wilderness. But today, police and sheriff's departments exist to protect the public.

3. The chances are greater that a person who possesses a handgun for protection will be killed with his own gun by a relative or friend, than a person who does not own a handgun will be killed by a criminal. The best protection is <u>not</u> to have a handgun in the home.

4. We have never had strong gun control laws covering the entire nation. Making handguns more difficult to obtain in the U.S. should significantly reduce crime and violence.

5. Crimes committed with guns occur so often today because handguns are so easily available. Criminals will continue to frequently use guns as long as there is little control over their sale and possession.

6. Strong registration and licensing requirements will make it more difficult for criminals to quickly and legally buy handguns. Those criminals who do manage to get guns unlawfully will face additional penalties for illegal sale and possession.

7. Guns are more fatal than other weapons. A person shot with a gun is five times more likely to die than a person stabbed with a knife.

8. The main purpose of handguns is to kill people. Because so many handguns exist in the U.S., more people die by gunfire in this country each year than in all the countries of the world combined.

PROPOSED HANDGUN LEGISLATION

Proposed Bill #1

The government may not enact any laws that in any way prohibit the sale, purchase and/or ownership of handguns.

Proposed Bill #2

The following are mandatory sentences whenever a crime is committed with a handgun:

1. Any crime that results in the death of an individual: LIFE IMPRISONMENT;
2. Any crime where a handgun is used: 3 TIMES THE NORMAL JAIL SENTENCE; and
3. Any crime where the defendant carries a handgun but does not use it: 2 TIMES THE NORMAL JAIL SENTENCE.

Proposed Bill #3

In order to buy a handgun or ammunition, a person must have a license. In order to obtain a license, a person must:

1. Be at least 21 years old;
2. Complete 25 hours of classroom instruction taught by police departments on how to use handguns;
3. Pass a written test (similar to a test for a driver's license);
4. Not have a criminal record; and
5. Be mentally sound.

Proposed Bill #4

The following handgun taxes should be enacted:

1. Manufacturers of handguns must pay a tax of $200.00 for each handgun they produce;
2. Dealers of handguns must pay a tax of $100.00 for each handgun they sell;
3. Buyers of handguns must pay a tax of $50.00 for each handgun they purchase; and
4. There will be a tax of $10.00/bullet.

Proposed Bill #5

By January 1, 1990, all persons must give up their handguns. The government will pay the owner the 1987 fair market value for the gun. Anybody who is found with a gun after January 1, 1990, will pay a $1,000,000 fine.

CHECKLIST

_____ says who or which groups will be expected to obey it

_____ if applicable, states the penalty for a person or group that disobeys

_____ is enforceable

_____ is fair

_____ has no vague words or phrases

_____ explains the meaning of words that people might not understand

_____ does not conflict with another law

CHECKLIST

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CHECKLIST

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THE DEATH PENALTY: EIGHTH AMENDMENT

Introduction

Capital punishment is subject to continual debate in the United States. The Eighth Amendment forbids "cruel and unusual" punishment. Is the death penalty cruel and unusual?

Objectives

- To view reasons for and against the use of capital punishment in the U.S.
- To explore people's attitudes regarding the use of capital punishment.

Materials

Handout: Activity 1: - What is Your Opinion of the Death Penalty? Survey
Optional Handout: Activity 2 - Conducting a Survey
Handout for Debate: Arguments For/Against the Death Penalty

Procedure

1. Have students read and discuss "The Death Penalty" article.
2. Select one or more of the activities to complete.
3. Resource Person: use an attorney to act as "devil's advocate," react to arguments and survey results, judge the debate and clarify state law.

Activity 1: Personal Opinion Survey

1. Have students complete the opinion survey individually.
2. Select some of the statements, i.e., 1, 2, 9 to consider various students' responses.
3. Draw a line on the floor or across the chalkboard:

EXAMPLE:

1_____2_____3_____4_____5_____

1 = Strongly agree with the statement
2 = Tend to agree with the statement
3 = Undecided
4 = Tend to disagree with the statement
5 = Strongly disagree with the statement

4. Ask for 6 student volunteers to position themselves along the line based on their opinion (you may want to use moveable chairs).
5. Once students are in place, ask others in the class to "think" for the students in the line. Ask "Why do you think Student A is standing where he is? After several responses, ask Student A if anyone has given his reason. This can be repeated for the other students on the line.
6. The students may then give arguments to see if they can convince anyone to change his position on the line.
7. The teacher may also play "devil's advocate" to attempt to get students to change their opinions.
8. Students can then consider:
   a. What arguments are convincing?
   b. What additional information would they need to know to be well informed on the subject?

9. This discussion can lead to Activity 2.

Activity 2: Conducting a Survey

1. Have students react to the survey attached.
2. Have students develop a survey of three questions or give them three questions:

Example:

   a. Do you favor or oppose the death penalty?
   b. Since most states have a death penalty, what method would be most acceptable to you: electric chair, gas, lethal injection, other?
   c. Is there any other reason besides murder (such as treason) that someone should receive the death penalty?

3. Each student should interview five others.
4. Survey results should be tallied and discussed:

   a. What are the results of the survey?
   b. Why do you think these are the results?
   c. Did the results surprise you? Why or why not?
   d. What did you learn from doing the survey?

Activity 3: Student Debate

1. A student debate should be conducted using the handout, "Arguments in Favor of/Against the Death Penalty."

WHAT IS YOUR OPINION OF THE DEATH PENALTY?

The death penalty is a very controversial issue. The statements below describe some common attitudes toward capital punishment. As you begin to think about this subject, read each statement below and record your reactions on a separate sheet of paper. Use these categories: (1) Strongly Agree; (2) Agree; (3) Undecided; (4) Disagree; or (5) Strongly Disagree.

Keep this paper as reference as you will refer to it at the end of the lesson.

DIRECTIONS: Check your responses to the following statements by marking the appropriate box below:

Statement	Strongly Agree	Agree	Undecided	Disagree	Strongly Disagree
1. Killing people who commit murder keeps other people from doing the same.					
2. Someone who is mentally retarded should not be executed for a crime regardless of the nature of the crime.					
3. Justice means "An eye for an eye and a tooth for a tooth."					
4. Taxpayers should not be expected to pay to maintain the lives of prisoners who have committed murder.					

Statement	Strongly Agree	Agree	Undecided	Disagree	Strongly Disagree
5. People who are too dangerous to be allowed in society should be executed.					
6. Anyone who places value on human life cannot approve of capital punishment.					
7. People are basically evil and must be punished for wrong-doing or they will continue to do wrong.					
8. Teenagers should not be executed for murder even if they fully intended to commit the crime.					
9. People are basically good and even the worst criminal can be rehabilitated.					
10. Capital punishment is wrong. People are a mix of good and bad. It's hard to make a final decision about anyone.					

DEBATE: "ARGUMENTS FOR/AGAINST THE DEATH PENALTY"

Arguments in Favor of the Death Penalty

1. Capital punishment deters people from committing serious crimes. It is hard to say how well this "deterrent effect" works, but because legislatures in many states feel it works, the Supreme Court must agree with them.
2. If a person takes another's life, he should pay for the act by giving up his own life. The primary purpose of the criminal justice system is to punish.
3. Capital punishment provides "due process of law." Rules must be followed. It is reserved for only the most serious crimes. Jurors are told to consider it very carefully and there are many opportunities available for appeal.
4. Some people are so bad that they cannot be rehabilitated enough to live in society. Habitual offenders should be executed to make sure they never harm anyone again.
5. The Fifth Amendment implies that capital punishment is permissible. No person shall be deprived "of life, liberty, or property without due process."

Arguments Against the Death Penalty

1. Capital punishment has no deterrent effect. In states which have abolished the death penalty, murder rates have declined or remained the same. Most people who commit crimes do not believe they will be caught, while others want to be punished.
2. Capital punishment is a wrongdoing on top of a wrongdoing. It does not help the victim of the original crime. Besides, locking a criminal up for the rest of his life is punishment enough.
3. Capital punishment involves so much chance and arbitrary decision-making that it is like a lottery rather than "due process of law." Chance is involved in the prosecutor's choice of which crime to charge the accused with and whether or not to plea bargain. It comes into play in a jury's view of the defendant and the crime, in the choice of an appeals judge of whether or not to review the case and in a governor's decision whether or not to grant clemency. There is too much chance when a person's life is at stake.
4. Life imprisonment without chance of parole would keep criminals who could not be rehabilitated off the street just as well as executing them would. Studies have shown that most murders are committed by people who are unlikely ever to do it again, so they are not usually the most dangerous people, but may be the most easily rehabilitated.
5. Although capital punishment may not be specifically prohibited in the Constitution, customs and conditions have changed in recent years. It cannot be doubted that slavery is no longer acceptable in the United States, but it was protected by the Bill of Rights and the Constitution when they were adopted. Just as slavery is no longer acceptable, the death penalty is now considered "cruel and unusual" punishment and should be outlawed.

JUST THE FACTS: JUDICIAL BRANCH AND THE LAW

Introduction

This lesson allows students to become teachers and share their knowledge with their peers. Be sure to give them some time to understand their fact and consider the best way to teach it. You might want to demonstrate by teaching one piece of information before they begin.

Objectives

- To get an introduction or review of material in a unit on the judicial branch.
- To provide specific facts and information on the judicial branch.
- To reinforce the value of peer teaching.

Materials

Sufficient 3 x 5 cards for participants (1 card per participant). Two sets of information are included. Select those facts you wish to include.

Procedure

1. Prepare "Fact Cards." Each card should contain one piece of information or fact that the student will share with other participants.
2. Hand out one 3 x 5 card to each participant on a random basis. Either give every student a different fact or select ten facts (which would give two or three students the same information to teach).
3. Everyone is to be both a teacher and a learner. Either in groups or as a class ask each participant to share the information with one person at a time.
4. Each participant should spend a few minutes familiarizing himself with the information on his card. Each person has ten minutes to "teach" or transfer his knowledge verbally to as many other participants as possible and also to listen in order to learn facts from the other participants. The teacher should circulate around the room to help with the activity.
5. Debriefing the whole activity can be done by asking a series of questions.
   a. What did you learn from someone? (Ask the "teachers" of the information for verification of the responses)
   b. What did you learn about: the Constitution, the Courts, your rights?
   c. What did you learn that surprised you?
   d. What information is not clear?
   e. What information did you learn best? Why?
6. Resource Person: In using these questions you may begin investigating some of them further by clarifying them and/or speculating on why the information is true and/or if it should be true. The questions generated can be sent to a lawyer in preparation for a class visit.

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SET 1

Basic information about the Constitution, Article III, and the federal courts

The U.S. Constitution adopted in 1787 did not have a Bill of Rights.

There are nine Supreme Court Justices (judges) who decide cases by a majority vote.

The Supreme Court deals with "issues of law."

The Judicial Branch of Government is headed by the Chief Justice.

To become a Supreme Court Justice you must be appointed by the President and approved by the Senate.

Sandra Day O'Connor is the first woman Supreme Court Justice.

An order making a police officer show that a man is in jail for a good reason is called a writ of *habeas corpus*.

The Chief Justice who did the most to increase the power of the Supreme Court was Chief Justice John Marshall.

The Supreme Court has the power to decide whether actions of the President and Congress are legal (Judicial Review).

There are three major levels of federal courts: the Supreme Court, Courts of Appeals, and District Courts.

John Jay was the first Chief Justice of the Supreme Court.

The Supreme Court selects most of the cases it wants to hear from those that have been sent on appeal.

Decisions of the Supreme Court usually can be found in the newspaper on Tuesday of every week from October through June.

A law to punish a person for something that was not against the law when he did it is called an *ex post facto* law and is not allowed.

The Supreme Court is the highest court in the United States.

The Chief Justice of the Supreme Court is William Rehnquist.

The Judicial Branch of government is described in Article III of the Constitution.

A Supreme Court Justice is appointed for life.

SET 2

Facts about the Bill of Rights and Supreme Court interpretations.

A jury must consist of six people or more.

Until recently, most courts required every member of a jury to agree in order to find a person guilty of a crime. Some courts have started to accept non-unanimous verdicts.

Up until 1967, a juvenile did not have the right to hear the witnesses against him.

A person accused of a crime has the right to hear the witnesses against him.

Most states today allow the death penalty to be used as punishment.

The Supreme Court ruled that some children do not have to go to school after eighth grade if it is against their religion.

A person does not have to testify against himself/herself.

The police do not always need a search warrant to search a house.

A school rule which would require teachers to start the day with a class prayer is unconstitutional.

Usually a juvenile does not have the right to bail.

Before 1963, a poor person accused of a crime would probably have to represent himself/herself in court.

The Supreme Court does not decide whether a person is guilty or innocent in cases on appeal.

The courts may not sentence a person to death without due process of law.

States have the right to regulate gun ownership.

If a police officer stops you on the street because he/she suspects you might have committed a crime, he/she does not have to read you your rights.

Under our laws, a person cannot say anything he wants even though we have freedom of speech.

It is possible for a juvenile to be tried in an adult court.

A person may waive his right to a jury in some cases.

SHOULD JUVENILES BE TRANSFERRED

Introduction

At one time in our history, little distinction was made in the charging and sentencing of adults and juveniles. In the early 1900's, reformers attempted to improve the lot of juvenile offenders. Today, the tendency is swinging back to laws that sometimes allow certain juvenile offenders to be treated like adults. Should the Constitution guarantee equal rights **and** responsibilities to all regardless of age?

Objectives

- To compare and contrast the adult and juvenile legal systems.
- To consider due process as it applies to juveniles.

Materials

Handout: Transfer Hearing Case Studies
Questions for Debriefing
Handout: Transfer Provision in the Illinois Juvenile Court Act

Procedure

1. Begin by polling the class as to whether or not they believe young people who commit crimes should be treated the same as adults under the law. Should they be tried as adults? If convicted, should they be punished like adults?

2. Explain that, in fact, juveniles who commit crimes are treated differently from adults. Note that the goals of the criminal justice system are (1) punishment and rehabilitation of criminals, (2) protection of society, and (3) deterrence of others from criminal activity. However, the juvenile justice system (as it relates to minors involved in crime) is designed primarily to rehabilitate juveniles and to protect society from their delinquent acts.

3. A good example of the non-punitive, rehabilitative nature of the juvenile justice system is in the vocabulary used in it. Make a list like the one below on a chalkboard or on a transparency for overhead projection. Fill in the Criminal Justice System side first, then the Juvenile Justice System blanks (see EXAMPLE).

EXAMPLE:

CRIMINAL JUSTICE SYSTEM	JUVENILE JUSTICE SYSTEM
Crime	Delinquent act
Arrest	Take into custody
File charges	Petition
Plead not guilty	Deny involvement
Plead guilty	Admit involvement
Trial	Adjudicatory hearing
Verdict of guilty	Finding of delinquency
Sentencing hearing	Dispositional hearing
Sentence	Disposition

4. Explain that under the Juvenile Court Act of Illinois and in many other states, juveniles who commit serious crimes may sometimes be transferred to the adult Criminal Court for prosecution (and, if they are convicted, for sentencing). Brainstorm and list the criteria that students think should be applied in deciding whether to transfer juveniles to the adult criminal justice system. Compare their list with the criteria specified in Section 702-7(3)(a) of Illinois Juvenile Code (write this Section on a sheet of butcher block paper before this lesson so it can be taped onto the chalkboard next to the students' list). What considerations that students believe are important in transfer cases are in the Juvenile Court Act? Which are not?
5. Divide students into groups of five and distribute the transfer cases (assigning one to more than one group, if necessary). Assign two students in each group to play the role of state's attorneys and two others to play the roles of defense attorneys. Have them read their assigned case and develop arguments for or against the transfer of the juvenile in question. Have one student act as the judge and determine whether the case will remain in Juvenile Court or be sent to adult court.
6. Invite a state's attorney, a public defender from the Juvenile Court or a lawyer familiar with juvenile issues to act as judges. They should:
   (a) decide, based strictly on the arguments presented to them, whether the juveniles should be transferred;
   (b) tell what they think the outcome of the cases would probably be in real life;
   (c) discuss how they would have used the facts of the cases to support an argument for or against transfer.

TRANSFER HEARING CASE STUDIES

Case #1

Name: Tim Sugino
Age: 16
Charge: Auto Theft

Circumstances:
Late one Thursday night, Sugino and a 19-year old friend hot-wired an expensive sports car parked in the garage of an apartment complex where both worked as maintenance persons, and drove the car 120 miles to an oceanside resort. The theft was discovered approximately 48 hours later when the two young men were taken into custody.

Previous Record:
Three recorded detentions by police, all within the last 18 months, two for curfew violations, one for underage drinking. Released in all three instances.

Personal Background:
Junior in high school with an average attendance record. Only child, mother deceased, lives with father who works as a computer programmer. Part-time work since age 14, fired from current job as a result of incident. One psychologist's report indicates normal profile, another suggests a serious emotional disturbance as a result of mother's death.

Case #2

Name: Linda Dubrensky
Age: 15
Charge: Delivery of a controlled substance with the intent to sell

Circumstances:
Dubrensky was taken into custody as a result of a police undercover operation in a local community college where she was not enrolled. Dubrensky was caught selling three grams of cocaine to a police officer who was working undercover as a student.

Previous Record:
Two recorded police contacts, one for curfew violation, one prior adjudication for possession of marijuana. Served three months in the County Home for Girls; six months participation in a program for drug abusers.

Personal Background:
School records indicate a moderate rate of truancy, a bright student who does not work up to potential. Family of two children, mother, step-father; mother works as a tax accountant, step-father is an engineer; both are members of Alcoholics Anonymous. No work record. Medical report indicates that Dubrensky is addicted to cocaine and alcohol.

Case #3

Name: Martin Robinson
Age: 14
Charge: Armed Robbery, Murder

Circumstances:
Robinson and two other juveniles, one armed with a handgun, robbed a local liquor store. The owner pulled a weapon and, in the following shoot-out, the owner, a 66-year old woman, was killed. Robinson was not armed and did not shoot the woman, but he did most of the talking during the robbery. Robinson and two others, both 14 years old, were apprehended shortly after the incident. Because the murder took place during the commission of a felony act (armed robbery), all of the persons involved can be charged with first degree murder.

Personal Background:
School records indicate high rate of truancy. Family of three children, mother, and grandmother. The mother works as a waitress. No steady job. Psychiatric report indicates severe emotional disturbance.

Case #4

Name: Patricia Ann Warner
Age: 15
Charge: Burglary

Circumstances:
Warner and her 20-year old boyfriend broke through back windows of a local electronics shop after neutralizing the alarm. Police on patrol detected the crime in progress. Warner was apprehended carrying two video cassette recorders to the car; her boyfriend was picked up several blocks away after attempting to escape. In the car, police found a personal computer, VCRs, portable tape players and other equipment with an estimated total value of over $7000.

Previous Record:
Two prior detentions for questioning by police, one resulted when Warner and a 32-year old female companion were picked up for selling costume jewelry from the back of a van. Neither female had a bill of sale for the merchandise. Because of her age, Warner was released without charge; her companion was cited for peddling without a license, a misdemeanor.

Personal Background:
School records indicate high rate of truancy, poor scholastic achievement probably caused by minor learning disability. Oldest of four children, both parents present and employed at blue collar jobs. Psychological reports indicate emotional instability and suggest the possibility of child abuse in the Warner home.

Case #5

Name: Danny Maestas
Age: 16
Charge: Aggravated Assault

Circumstances:
Police claim that when they stopped Maestas on suspicion of drunk driving, he became belligerent and verbally abusive. He took a swing at one officer, but missed him. Both officers had to physically subdue him. Maestas claims that the officers pulled him over for no reason. Both officers, he claims, were verbally abusive and he merely responded in kind when one officer made ethnic slurs. At that point, according to Maestas, the officer hit him. Maestas says that he realized the possible consequences and did not resist in any way. The officer slugged him three more times, twice in the kidneys. When booked, Maestas showed signs of having been beaten. Tests revealed the boy had no alcohol in his system.

Previous Record:
Four prior detentions by police for questioning, none resulted in any charges.

Personal Background:
School records indicate average scholastic achievement. Family of four children, one of whom is away at school, another is in the army; both parents present, father is an attorney.

QUESTIONS FOR DEBRIEFING

1. Is there a general agreement about which juveniles should be tried as adults? Is there a general agreement about the reasons for these decisions?

2. Based on the circumstances and nature of their alleged crime, which juveniles represent the clearest threat to the community? Which are least harmful?

3. Based on their prior records and personal backgrounds, which juveniles could be most potentially harmful?

4. Of these two factors, crime or background, which was most important to your decisions?

5. Which of these juveniles do you think should be punished? Which should be rehabilitated? Which seem most and least likely to respond to the rehabilitative treatments available in the juvenile justice system?

6. In adult court, these cases will be tried by jury unless the defendants waive their right to a jury trial. Do you think any of these juveniles would benefit by a jury trial? Why or why not?

7. What is the youngest age at which juvenile courts should be allowed to waive their jurisdiction and send a juvenile to adult court? Why?

8. Are there any circumstances under which juvenile courts should not be allowed to waive jurisdiction?

TRANSFER PROVISION IN THE ILLINOIS JUVENILE COURT ACT

In deciding whether to grant a motion to transfer a juvenile to the Criminal Court for prosecution, Juvenile Court judges must consider (among other things):

(1) Whether there is enough evidence that a grand jury (a special jury called just for the purpose of deciding whether there is enough evidence against a person to try him) could be expected to return an indictment (a formal charge against a person accusing him of a crime);

(2) Whether the alleged offense was committed in an aggressive and premeditated way;

(3) The minor's age;

(4) The minor's previous history;

(5) Whether there are suitable facilities available to the Juvenile Court for the treatment and rehabilitation of the minor; and

(6) Whether the best interests of the minor and the security of the public require that the minor remain in custody or under supervision after he or she reaches the age of majority (eighteen years old).

IL. Rev. Stat. Ch.37, S702-7(3)(a).

NOTE: 15 or 16 year old minors who are charged with murder, rape, deviate sexual assault or an armed robbery committed with a firearm are now automatically transferred to the Criminal Court in Illinois for prosecution.

IL. Rev. Stat. Ch.37, S702-7(6)(a)

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HUMAN BOOK ON CIVIL LAW

Introduction

This activity is designed to help students understand that the law is limited in its ability to solve all social problems. Although some of these problems can best be resolved in the judicial system, the students will undoubtedly feel that others can be solved in another way.

Objectives

- The students will identify which problems are best solved through the legal system and which problems can be more effectively addressed in another way.
- The students will learn that many people, agencies, etc. help people to solve problems and resolve disputes in addition to the legal system.

Materials

3 x 5 cards with one piece of information on each card

One or two resource people (civil lawyer, attorney general's representative, consumer protection worker, family lawyer, media hotline person)

Note: Send information to resource person(s) in advance so they know what they will be expected to discuss. Resource people probably will not be able to answer all the participants' questions. Ask them ways of obtaining the information.

Procedure

1. Each participant is given one 3 x 5 card with a piece of information about a person who may have need of the law. Tell participants that the piece of information is only part of the story.

2. Each one must find the other people who have the missing pieces of information. Once the group has formed, a recorder who will report the group's deliberation should be chosen. Cards should be read aloud and the group should decide on the order of the cards and answer the following questions (about 10 minutes):

   a. What happened? What are the facts?
   b. What can be done by each interested party? List as many options as the group can generate.
   c. What does the group consider to be the best choice for each person?
   d. What other information would be helpful in deciding?
   e. How might the legal system respond to this problem? How should it?

3. Resource Person: Have each group report on its deliberations and allow the resource people to respond to the groups.

   a. What does the law (case or statute, etc.) have to say about this problem?
   b. What agencies and/or other people, if any, might help to resolve this situation?
   c. How realistic was the group's decision?
   d. Suggestions on other ways to help resolve the problem.

4. Note to teacher: In many of these cases, although the law has ways to assist in resolving the conflict, the law might often be considered a last resort. It is important to give the group a sense that law is only one tool for resolving human problems and often not the best tool.

JIMMY 1 of 4
Everyone knew the path and used it to go down to the old swimming hole. For 8 of his 16 years, Jimmy and all of his friends had used it to go swimming and fishing down by the river.

JIMMY 1 of 4
Today, however, when Jimmy went to take the path he saw a "No Trespassing" sign.

JIMMY 1 of 4
Jimmy said, "Oh, heck" and continued down the path to the river to swim.

JIMMY 1 of 4
Jimmy fell into a hole on the path that was covered with branches and broke his leg.

MARY AND JOHN 1 of 4
Mary recently started working as a supervisor at the Acme Company.

MARY AND JOHN 1 of 4
Before Mary was hired, John had expected that he would be made supervisor.

MARY AND JOHN 1 of 4
John tells co-workers that Mary left her previous job because of drinking problems.

MARY AND JOHN 1 of 4
Mary finds out about the rumors and feels that her reputation has been severely damaged. Mary is going to sue John.

HANK 1 of 4
Hank recently retired. He now travels the garbage circuit, picking up "treasures" from all over the neighborhood.

HANK 1 of 4
Hank has such an enormous stock of "treasures" that he must pile them in his backyard.

HANK 1 of 4
Hank's neighbors are terribly upset because the yard has become an eyesore. What can the neighbors do?

HANK 1 of 4
The neighbors want Hank to get rid of his junk.

BILLY 1 of 4
Billy was out playing baseball.

BILLY 1 of 4
Billy saw Jim, a long time enemy, coming across the field.

BILLY 1 of 4
Billy shouted at Jim and threw a baseball at Jim's head, but missed. The ball, instead, hit the neighbor's window and broke it.

BILLY 1 of 4
Billy is known for his short temper and has been in many fights.

SHEIK 1 of 5
An Arabian sheik purchases a mansion in a prestigious area of the city.

SHEIK 1 of 5
The sheik's house becomes a tourist attraction and, according to the neighbors, is a circus.

SHEIK 1 of 5
The sheik's house is constantly visited by sightseers.

SHEIK 1 of 5
The sightseers come to see the sheik's house at all hours because the house is lit up.

SHEIK 1 of 5
The neighbors want the sheik's house returned to the original state and say that they have been unduly harmed by the sheik's house. Prices have gone down in the neighborhood.

GEORGE AND MARY 1 of 5
George and Mary are a young couple who have recently bought a home and have always cared about animals.

GEORGE AND MARY 1 of 5
They have only one dog, but somehow the strays in the neighborhood seem to find their way to George and Mary's house.

GEORGE AND MARY 1 of 5
George and Mary have taken in many strays and sometimes have as many as 10 dogs and 15 cats in the house.

GEORGE AND MARY 1 of 5
George and Mary have recently acquired a talking mynah bird and have a portion of their house set up to house homeless birds.

GEORGE AND MARY 1 of 5
George and Mary's neighbors object strongly to their menagerie.

DONNA 1 of 5
Donna, a minor, has been married for three weeks.

DONNA 1 of 5
Donna's parents wish to annul the marriage.

DONNA 1 of 5
Donna and her husband have known each other for two years.

DONNA 1 of 5
Donna's husband is 30 years old and a salesman.

DONNA 1 of 5
Donna has stopped going to school to keep house for her husband.

JANE 1 of 5
Jane has always been self-conscious about her hair and attempts to do a number of things to improve her looks.

JANE 1 of 5
Believing that blondes do have more fun, Jane bleaches her hair. The bleach, however, causes her hair to become extremely brittle and she finds that she must crop her hair severely.

JANE 1 of 5
Jane's cropped hair is straight and very unattractive. In an attempt to create a more feminine appearance, Jane purchases a home permanent kit. Her hair falls out.

JANE 1 of 5
Jane is faced with the obvious choice of wearing a scarf for several months or purchasing a wig. Jane goes to a reputable wig store and purchases a wig. After wearing the wig for 24 hours, her face breaks out into red blotches.

JANE 1 of 5
Jane is currently a receptionist and finds herself embarrassed about her physical appearance. She asks to take an extended sick leave. Her boss cannot spare her and, as a result, fires her.

PETER 1 of 5
Peter has just rented an apartment and brought his air conditioner with him.

PETER 1 of 5
Peter plugs in the air conditioner and blows a fuse.

PETER 1 of 5
Peter calls an electrician.

PETER 1 of 5
The electrician informs Peter that the wiring is faulty and, in fact, the whole apartment needs to be rewired because of the fire hazard.

PETER 1 of 5
Peter notifies the landlord, but the landlord refuses to do anything.

KIET NGUYEN 1 of 5
Kow Wang is a Buddhist and a vegetarian.

KIET NGUYEN 1 of 5
Kow Wang is from Viet Nam and has five children, ages 2 to 13.

KIET NGUYEN 1 of 5
Kow Wang attempts to rent an apartment dressed in traditional Vietnamese clothing.

KIET NGUYEN 1 of 5
Kow Wang speaks broken English, but has a degree from a Vietnamese university.

KIET NGUYEN 1 of 5
Kow Wang is denied the apartment.

MARIA 1 of 6
Maria has always had a large nose.

MARIA 1 of 6
Maria's dream is to become a child star.

MARIA 1 of 6
Plastic surgery seems the only answer to Maria. She knows that she will never be a star with her present nose.

MARIA 1 of 6
Maria has been performing at school functions for the past three years. She is the best singer and dancer the school has had.

MARIA 1 of 6
Maria's parents refuse to allow Maria to have the necessary operation to reduce the size of her nose.

MARIA 1 of 6
Maria breaks her nose in hopes that this will force her parents into allowing the operation.

ANGEL 1 of 5
Angel, a minor, works after school and every weekend at a drugstore.

ANGEL 1 of 5
Angel is saving her money to go to college.

ANGEL 1 of 5
Angel's father demands that she turn over all her earnings to him.

ANGEL 1 of 5
Angel thinks that her father wants to use this money to pay off a gambling debt and refuses to give him her money.

ANGEL 1 of 5
Angel's father tells her employer that he is worried that his daughter will use her money to buy drugs and asks her employer to send her paycheck directly to him so that he can save it for her.

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CALL THE POLICE

Introduction

Students often think that legal restrictions are placed on them but not on those who enforce the law. This lesson gives them an opportunity to consider how rules, laws and court decisions also effect the police. A number of rights included in the Bill of Rights can be discussed in the debriefing of the activities.

Objectives

- To gain a better understanding of what it is like to be a police officer in the United States.
- To show how the Constitution relates to the role and responsibility of the police officer.

Materials

"Police Manual"
Handout for Teacher/Police: Constitutional Issues for Each Scene (for Situation Role Play)
Handout: Situation Role-Play
Resource Person: Police Officers

Procedure

1. Resource Person: the teacher should contact the local police organization and arrange for two officers to visit the class, if possible. It is very important that a planning session or sharing of the materials take place to review the lesson. The officers should receive copies of the role plays, the constitutional issues handout and the "Police Officer's Manual."

2. The teacher may wish to do Activity 1 on the day before the police are scheduled to come so that police characteristics can be quickly reviewed.

Activity 1

1. Split the class into groups of five or six. Ask them to imagine having to write a want ad for an ideal police officer. List 5-10 adjectives which describe the PERFECT police officer. Write the list on the chalkboard. If a group has already suggested the word, simply put a check next to the word to indicate agreement. If officers are present at this time, they should also compile a list to share with the students at the end of the activity.

Example: "WANTED: Someone to help and protect our community. Must be..." (Suggestions could be 'strong,' 'smart,' 'brave,' etc.) When the officers are present, have them pick top characteristics and explain why they would be important.

Activity 2

1. Tell the students, "Now that we have some idea of what a model officer is, let's see what the police officer would look like in action. We are going to role-play some typical situations. Most of them do not involve a violent crime. All of them will involve typical encounters with young people. Some students will take the role of police officers, some will act out the situations, and others may act as observers to see how the 'offenders' and 'police' react with each other."

2. Two students from each group should form a new group to be "trained" by the police officers. The police officers will review the "Police Manual" with the eight student officers. Students in the original groups should be given the description of the role-play situation so that they can prepare their roles. The two police officers assigned to that group should be given their "police call." Give each group 10 minutes to plan their scene.

NOTE: It has been found that students are more comfortable if more than one role-play are going on simultaneously. Additional students and participating adults should be assigned to observe the role-plays.

3. Ask the officers the following questions:

   - What are the facts of the situation? What happened?
   - Was the situation realistic? How did the "offenders" and "officers" feel towards each other? How do you think people really involved in this situation would feel/act?
   - Did the police officers exhibit the "characteristics" most important in a police officer? What would have helped them be better police officers? What kind of training or support could help?
   - Have the police officers talk about a similar situation and how he/she handled it. What laws was he/she enforcing? What restrictions are placed on him/her in the work done?

4. Review the "constitutional connection"—what does the Constitution say about each scene? (see *Constitutional Issues* for each scene, page 60)

5. Repeat the debrief for each scene. Each debrief should take about 15 minutes including the question and answer discussion period.

THE POLICE OFFICERS' DUTY

"As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence and disorder; and respect the Constitutional rights of all men to liberty, equality and justice."

DEPARTMENTAL REGULATIONS

1. You cannot use unnecessary force (i.e., shooting at someone who is armed only with a small stick) and your firearm can only be used in self-defense or to protect another's life;

2a. You must always make an arrest if:
- you serve an arrest warrant, or
- a citizen signs a complaint for a citizen's arrest;

b. You may make an arrest if:
- there is "probable cause" to believe a person has broken a law (or you may warn and advise or issue a citation).

3. Stop-and-frisk: If you have the "probable cause" necessary to arrest a person or you have a good reason to suspect that a person has committed, or is about to commit, a crime, - then you may "frisk" that person. In addition to a frisk, you may search the area immediately within the person's reach for weapons.

4. Probable Cause (Fourth Amendment Requirements): This means, when applied to arrest, a strong belief based on fact that a certain person has committed a crime. To make an arrest, you must have probable cause.

For Example: You see a person running out of a building with a television set being chased by someone yelling, "Stop, thief!"

Probable cause also applies to searches and seizures and is required to obtain a search warrant or to search under certain exceptions when a search warrant is not required. (These exceptions involve situations when obtaining a search warrant is impossible or, because of time or other factors, would spoil all chances of seizing the evidence.)

For Example: Because a car which contains evidence can be moved out of reach in the time it would take to get a warrant, there is a "moving vehicle exception" to the warrant requirement. Probable cause, however, is still essential. Even when the "moving car exception" would apply - stopping a car for a "hit and run" - if you do not have evidence that narcotics are in the car, you cannot search for and seize them.

5. Miranda Warning (Fifth Amendment Requirements): An arrested person must be made aware of their rights protecting them from self-incrimination. When you arrest a person, but before you can interrogate him or her about the criminal behavior involved, you must make the following statement:

   a. You have the right to remain silent.
   b. Anything you say can and will be used against you in a court of law.
   c. You have the right to talk to a lawyer and have him/her present with you while you are being questioned.
   d. If you cannot afford to hire a lawyer, one will be appointed to represent you before you are questioned, if you wish one.

WAIVER: A person who has been given his/her Miranda Warning may say he/she is willing to talk (they are waiving or giving up their right to remain silent). In such a case, you must ask these questions and get a "yes" answer before you can interrogate the suspect:

   e. Do you understand each of these rights which I have explained to you?
   f. Having these rights in mind, do you wish to talk to us now?

NOTE: You may ask a person questions that do not relate to the alleged crime, for example, their name, address, if they have been hurt, etc.

CAUTIONS

- Always be on guard to protect yourself, your partner and other citizens from attack and injury.
- Handcuff anyone you take into custody.
- Be prepared for unusual public reactions when you are present.
- Treat all people firmly and fairly.
- Treat all people equally: the law is "blind" to race, sex, religion or status.
- Use only "necessary force."

CONSTITUTIONAL ISSUES FOR EACH ROLE-PLAY SITUATION

Scene 1

Freedom of Assembly; Freedom of Speech (First Amendment): Rights are in question when they infringe upon others' rights.

Scene 2

Freedom from Unreasonable Search or Seizure (Fourth Amendment) will come under discussion here. Police must have a warrant to search or seize except in incidents involving:

S – Stop 'n' frisk

E – Emergencies

A – Arrests, abandoned property, airline or border searches

R – Right-in-plain-view

C – Cars, consent given, courtrooms

H – Hot pursuit

If an arrest is made, Miranda warnings should also be given quickly.

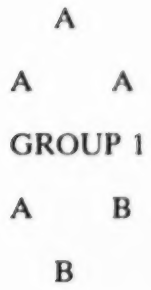
Scene 3

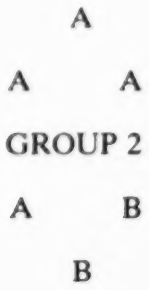
Search and seizure principles will also apply in this situation. A principal or authorized school person may search a locker for "reasonable suspicion" without a warrant because the courts have ruled that:

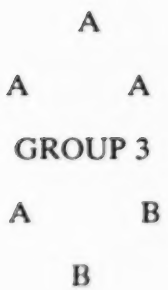
1) the locker is school property, not the student's; and
2) a principal or authorized school person is considered to be acting *in loco parentis* (in place of the parent or guardian for the good of the child).

A school official may also search a student's purse, wallet, books or other personal belongings if they are acting under a reasonable suspicion that the student is concealing some contraband material or evidence pertaining to illegal activity.

SUGGESTED ROOM SET-UP FOR ROLE-PLAYS







A = Role-Play Participant B = Role-Play Observer

Adapted from *Police Patrol*, Constitutional Rights Foundation, Todd Clark, Editor, Zenger Publications, Inc. 1981.

SITUATION ROLE-PLAY

Scene 1

Situation: A group of students is loitering in front of the local hot dog stand during school hours. The owner of the hot dog stand has called the police because he feels the noise the students are making is causing him to lose customers.

ROLE-PLAY: You are with a group of your friends. You went to the hot dog stand for lunch and didn't hear the school bell. Since you were too late to get into school, you are just standing around talking to your friends. The police arrive.

POLICE CALL: You have been called by a local store owner because a number of students are causing a disturbance and can probably be picked up for truancy.

NOW WHAT HAPPENS?

Scene 2

Situation: Four people in a car are cruising slowly around a shopping district one evening after the stores have closed. After some discussion, three of them get out of the car and begin to look through the windows and check the door of a jewelry store. The fourth person remains in the car.

ROLE-PLAY: Your friend tells you that he wants you to go with him and a couple of other people to a store where he dropped his wallet when he was shopping that day. He says he just wants to check out the area around the store in case it is still there.

POLICE CALL: You have been summoned by the alarm system at the jewelry store, which went off because someone was tampering with the door. You know this area has been hit before by thieves after dark.

NOW WHAT HAPPENS?

Scene 3

Situation: The principal is visited by a parent saying that he has heard rumors that there are two 8th grade students selling drugs to the other students. The parent gives a description of the students but does not know their names. The principal calls the police.

ROLE-PLAY: You are sitting in your classroom when the police come to the door. They ask you and your friend to come to the principal's office to answer some questions.

POLICE CALL: You have been called by the principal because she has an irate parent in her office telling her two 8th grade students are selling "some kind of drugs" to their classmates. The parent has given you a description of the "suspects."

NOW WHAT HAPPENS?

SMALL CLAIMS COURT

Introduction

It can be difficult for students to understand the process and procedures used in a courtroom. Visiting a real courtroom can be very unpredictable and unfruitful if the case is settled quickly, if jury selection creates long delays, or if procedural matters take up the majority of the action. This lesson provides a classroom activity to understand the roles of the judge, plaintiff, and defendant and learn about the importance of evidence and trustworthy testimony. It also provides a good background activity if the class plans to visit a real Small Claims Court.

Objectives

- To recognize and construct good arguments.
- To understand the different roles of the parties and the judge in a small claims case.
- To understand the adversary system.

Materials

Handout of Small Claims Court cases
Background information sheet (for teacher/resource person)
Copies of "evidence" for each case

Procedure

1. Say to the students, "You will be participating in a mock courtroom trial in Small Claims Court—where a person goes to sue for a relatively small dollar amount of a claim. If you believe that someone owes you money, you may decide that going to court is the only way to collect it. Hiring a lawyer and filing a lawsuit can be very expensive. In Illinois, for example, if the amount of money that you are asking for is $2,500 or less and you are over the age of 18, you can file suit in Small Claims Court. The arguments and evidence you present to the judge will determine the outcome of your case.

   You will get the chance to role play the judge, the plaintiff (the person who brought the suit) and the defendant (the person who is being complained against) in some typical cases."

2. Verify that students are familiar with the terms "plaintiff" and "defendant." Review the order of names in a case caption and the types of cases that come to Pro Se Court (i.e., civil, not criminal cases, generally small consumer complaints, etc.). A quick reminder of *The People's Court* will usually be sufficient.

3. Put the students into groups of three by having them count off. Group A – 1,2,3, *Group B – 1,2,3, etc. Write on the board: 1 = Plaintiff, 2 = Judge, 3 = Defendant.* Do one of the cases at a time. Review the case by writing the names of the parties next to the appropriate title and discussing the nature of the dispute and the relevant facts of the case. For the first case have the groups brainstorm possible arguments for a few minutes and possible decisions by the judge.

4. Explain the procedure: first each plaintiff will present his/her case to the judge, who will then ask questions. The same process will then be done with the defendant presenting his/her case. Evidence may be presented to the judge (see following pages for evidence for each case). The judge should make a decision based on what he/she has heard **but should not tell the parties the decision.**

5. Have each judge report his/her decision to the whole class and give reasons for that decision. Try to elicit different reasons for the decisions.

6. If more than one case is done, have students rotate roles.

7. Resource Person: a lawyer should be used to comment on the students' arguments and build on them. This is also the time to have the lawyer explain the legal bases for the different decisions by the judges and discuss the role and importance of physical evidence and the difficulties presented by conflicting oral testimony.

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SMALL CLAIMS SCENARIOS

DAWSON vs. *SULLIVAN*

The Dawsons have lived on Maple Street for five months. The former residents had children and often allowed many of the neighborhood kids to play in their backyard. The Dawsons have no children and, in an effort to retain their privacy, have even passed out a flyer to the neighbors asking them to keep their children out of the yard. The Dawsons are trying to start a vegetable garden and have put a lot of money into their hobby.

One afternoon, Mrs. Dawson comes home from work and sees that the garden is destroyed—the plants are all trampled down. She asks her neighbor, Mrs. Hill, if she knows anything about it. Mrs. Hill tells her that earlier that day she had seen Jeff Sullivan (age 13) and some of his friends heading down the street towards the Dawson's with a football. She also noticed them running by covered with mud about an hour later. When questioned, Jeff claimed that they were playing in the muddy football field at the high school but could not name anyone else who had seen them there.

The Dawsons bring suit against the Sullivans, claiming that Jeff ruined their garden. They want to recover the cost of their garden and for the repair work to the yard.

COLEMAN vs. *HART*

Maryann Coleman gives her new boyfriend, Jason Hart, a birthday card that says, "Happy Birthday! Let's go shopping and I'll buy you a suit for your birthday." They go to Schubert's Department Store and Jason picks out a $200 grey suit. The tailor in the store marks the suit for alterations and tells them they can pick it up in a week.

Six days later, Maryann learns that Jason actually has another girlfriend. Maryann rushes to the store to cancel the purchase of the suit but, as she arrives, sees Jason leaving the store parking lot with the suit in his car. She follows him home, and they argue. Maryann claims that Jason has no right to keep the suit and wants it back. Jason says the suit was a gift and he should be entitled to keep it. Maryann sues Jason in Small Claims Court for the cost of the suit.

ROSE'S SPORTING GOODS vs. *KRAMER*

Andre Kramer is the captain of the baseball team, the Bulls. He goes to Rose's Sporting Goods Store and orders 15 baseball jerseys at $20 apiece for the team members. Andre writes out the order on the form the clerk gives him with the name of the team and says to the clerk, "Put the picture on the back of the jerseys."

The following week Andre goes to pick up the jerseys. He is dismayed to see that each jersey has the word "Bells" and a picture of the Liberty Bell on the back. Andre asks to see the manager and tells her they have made an error. The manager replies that he wrote out the order himself and did not specify clearly what the mascot was. Andre admits that his handwriting is not very clear, but protests that they should have realized that "Bells" is an absurd name for a team and they should have called him to check on the name. The manager tells him that since the items were custom ordered, Andre must pay for them. He refuses. Andre gets a notice that Rose's has filed a lawsuit against him for $300 for the cost of the jerseys.

SMALL CLAIMS BACKGROUND INFORMATION

DAWSON vs. *SULLIVAN*

This case illustrates several legal issues. The Dawsons had to sue Jeff's parents, not Jeff. A minor's parents are held responsible for monetary damage caused by the minor. Under Illinois law, parents are responsible for the willful or malicious conduct of their children who are between the ages of eleven and eighteen. The Dawsons chose to take this avenue for monetary relief instead of having him arrested for damaging their property. In some cases, both criminal and civil relief is available. The Dawsons decided that it was more important to them to get their money back, and felt that Jeff might learn a more productive lesson than if he had been charged with a crime.

The problem in this case is the evidence—it illustrates the common situation of both sides supporting their arguments only with somewhat shaky oral testimony. How useful is Mrs. Hill's statement if she never actually saw Jeff in the yard? How reliable is Jeff's word that they were at the high school if no one saw them? What kinds of questions does the class think that the judge should ask these people to determine who is telling the truth?

COLEMAN vs. *HART*

This case actually happened in Small Claims Court in Chicago. The issue is a question of law regarding gifts and the intention to give. The judge in the real case decided that since the girl had the intention to give her boyfriend the gift when she bought it, it became his. His behavior did not alter her prior intention and there was no evidence that he deceived her into buying him this gift. There is a question whether the suit would have been his if she had confronted him before he obtained possession of it and indicated that she no longer intended to give it to him.

ROSE'S SPORTING GOODS vs. *KRAMER*

Andre is an example of what a consumer should not do when he makes a purchase. He should have printed the order clearly or, in order to protect himself, had the clerk print it and checked it over himself. He also should have specified the picture and perhaps discussed it with a store employee to make sure they had what he wanted. Perhaps the store might have called if they thought the name was odd, but they are under no obligation to do so. Andre should also have read the "fine print" on the order form to see what his obligations were. Unless Andre can prove that the store employees knew that the name was "Bulls", he will most likely be responsible for paying for the jerseys. A possible solution for him would be to offer to pay for the cost of the jerseys to the store (that is, without the retail mark up) and then ask for a slight discount on the new jerseys (or offer to have some advertisement for the store on the jerseys!)

GIFTS VS. JUSTICE

Introduction

Our system of justice is not perfect. The imperfections are often due to bad judgment on the part of officials. When officials accept "gifts" from people, they may lose their objectivity. The following lesson activity deals with incidents in which students must decide whether an official has accepted a bribe.

Objectives

1. To define bribery.
2. To make judgments about how bribery can make our system of justice less fair.
3. To develop criteria for prosecution.

Materials

Handout: Case 1, 2, 3

Resource Person: Attorney

Procedure

1. Send the resource person a copy of this lesson.

2. Have students develop a definition of bribery.

3. Ask the students to read the first case. Discuss the questions and ask the resource person to comment on the same questions. Follow this procedure for the other two cases.

4. Look at their definition of bribery. Refine if necessary.

5. Discuss with the attorney the criteria used to charge someone with a crime.

   - Is there enough evidence to show that a crime has been committed?
   - Is there enough evidence to show that the accused person committed the crime?
   - Was the evidence obtained legally?

6. Would a state's attorney have prosecuted the 3 cases?

CASE 1

A park ranger is about to ticket an automobile parked several hours in a no-parking fire lane. The owner approaches, expresses profuse apologies, and offers to move the automobile and give the park ranger five dollars not to write the ticket.

1. Would you say that the car owner has offered a bribe to the park ranger? Why or why not?
2. Do you believe that even though only $5 is involved, the car owner has committed a criminal offense by offering the money to the park officer? What should happen to the car owner? Do you think the county's prosecuting attorney (district attorney) should be concerned with a case of this nature? Why or why not?
3. What if the park ranger took the $5.00 and was reported by a passerby who saw the exchange? What should happen to the park ranger?

CASE 2

A traveler returning from a shopping spree in London, England, is discovered by a customs officer to have in his luggage three new and expensive English wool suits and a Swiss watch, which were not declared in the Customs declaration form. The traveler pleads with the officer not to take the items (which regulations require) and offers to give the officer the Swiss watch if the customs officer will overlook the three suits.

1. What would you do if you were the customs officer?
2. Do you think offering the "gift" of the watch to the customs officer is different from offering a $5.00 bill to the park ranger? Explain you reasoning.

CASE 3

Jacob Lewis, a Superior Court judge, for many years has received a bottle of fine wine at Christmas from his friend, Lawrence O'Dell, an attorney. Several times year, Lawrence O'Dell represents clients in Lewis' courtroom. Recently a case of vintage wine was delivered to his home. A note enclosed read, "Just received three cases of this outstanding wine from my client, Rosary Wineries. Knowing you would appreciate its excellence, I am happy to share this gift with you." The note was signed Lawrence O'Dell.

1. Do you think it is wise for a public official to accept a gift from a person with whom he deals in his official capacity?
2. Do you think the Christmas present the attorney sent the judge each year was a gift?
3. Do you think that when the attorney sends a case of wine instead of one bottle, he has changed a friendly gesture to a questionable gift? Why or why not?
4. Do you think the attorney has committed a crime by sending the judge a yearly gift? Why or why not? Do you think presenting such a gift is different from offering the Customs Officer the watch? What is the difference, if any?

Adapted from "To Prosecute or Not?," Constitutional Rights Foundation, 1977.

MAKING THE GRADE: WHAT MAKES A GOOD PRESIDENT?

Introduction

Every President has had his critics, yet among most of the United States Presidents, certain qualities recur that have made them effective leaders for our country. These same qualities make good leaders in other areas besides politics, and are good things to look for when choosing any kind of leader. This lesson will provide students with a way to evaluate their leaders and with background material to use when studying about various Presidents.

Objectives

- To help students understand what qualities make a good leader.
- To help clarify the duties of the President.
- To give students a mechanism to evaluate leaders and to recognize and develop their own leadership qualities.

Materials

None needed.

NOTE: This lesson should accompany or precede the study of U.S. Presidents. The lists developed should be saved so the characteristics and responsibilities can be compared to the President being studied.

Procedure

1. Explain to the class that they are going to find out what qualities a person needs to be a good leader and how those qualities are important to be a good President of the United States. Use three sheets of butcher block paper taped on the board and write the following words across the top of each: (A) Characteristics, (B) Responsibilities, and (C) Presidents.

2. As a class, brainstorm the characteristics of a good president and list them under Column A. Examples that you may hear are intelligent, brave, honest, diplomatic, not afraid to speak his mind, moral, able to work well with others, good speaker, creative, etc. Suggest they think about people they have known who were good leaders to spark ideas. After a number have been listed, discuss each item by asking students why that characteristic is important to them. Write down reasons next to each characteristic. By vote or consensus, decide which five of the items are most important. Rank those characteristics.

3. In similar fashion, brainstorm a list of presidential responsibilities and list them under Column B. Examples might be to create foreign policy, put together a Cabinet of trusted advisors, suggest laws for Congress, develop programs for education, social welfare, etc., determine defense policy, inform the public what the government is doing. As a class or in small groups (3–5 students), decide how the characteristics in Column A could help a president with the responsibilities in Column B. Write these ideas next to the listed responsibilities.

4. Save the lists and, as you study each president, discuss each in terms of characteristics and responsibilities. See which characteristics each one exhibited and how that helped (or lack of them hindered) his effectiveness as president. Add additional items to the A and B lists as necessary. Discuss the following questions:

   - Why have presidential responsibilities expanded throughout U.S. history?
   - What characteristics do you think people look for in a Presidential candidate? Are these the characteristics they should be using? Why or why not?
   - How can an interested voter find out about a candidate?

5. Resource Person: a city council member, organization leader or business leader could all discuss leadership qualities and how they are necessary to being a good community, school or business leader as well as a president. Provide them with a copy of your A and B lists in advance so they can point out the areas in which other leaders have similar responsibilities and how the stated qualities assist them in performing their jobs.

Adapted from *Bill of Rights in Action*, Volume 1, No. 1, Fall, 1984, copyright Constitutional Rights Foundation.